

House Bill 1095 (AS PASSED HOUSE AND SENATE)

By: Representatives Chambers of the 81st, Powell of the 171st, and Carter of the 175th

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to death investigations by coroners, so as to permit tests and examinations to be conducted in cooperation with a forensic laboratory; to provide for the custody of objects and articles of the deceased; to provide for the retention of certain records of the medical examiner's inquiry and the coroner's investigation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to death investigations by coroners, is amended by revising subsection (c) of Code Section 45-16-25, relating to duties of coroner or county medical examiner upon receipt of notice of suspicious or unusual death, authority to embalm a body, identification, inventory, and disposition of the deceased's property, use of the deceased's property for evidence, and autopsy when death occurs on state owned property, as follows:

"(c) The coroner or county medical examiner shall, in the absence of the next of kin of the deceased person, take possession of all property of value found on such person, make an exact inventory thereof on his or her report, and surrender the same to the person entitled to its custody or possession. The coroner, medical examiner, or peace officer shall take possession of any objects, anatomical specimens, or articles which, in his or her opinion, may be helpful in establishing the cause of death, manner of death, or identification of the deceased; and in cooperation with ~~the division~~ a forensic laboratory he or she may make such tests and examinations of said objects, specimens, or articles as may be necessary or useful in determining the cause of death, manner of death, or the identity of the deceased. At his or her discretion, the medical examiner or coroner may dispose of such objects, specimens, or articles when the medical examiner's or coroner's need for their retention has ended. In the event that a criminal prosecution arises, all such objects and articles together

with reports of any examinations made upon them shall be retained in the custody of the ~~director of the division~~ investigating agency or the forensic laboratory which conducted the examination until their production as evidence is required by the prosecuting officer or upon written order of the peace officer in charge or court having proper jurisdiction."

SECTION 2.

Said article is further amended Code Section 45-16-32, relating to the report of examination and investigation, maintenance of copies, verification of foul play by division, and transmittal of copies of reports to the district attorney, as follows:

"45-16-32.

The medical examiner and coroner shall ~~file~~ complete a report of each medical examiner's inquiry and coroner's investigation ~~with the director of the division. The division shall maintain the reports and function as a central repository for the storage and dissemination of such reports pursuant to Article 4 of Chapter 18 of Title 50. The coroner or county medical examiner and~~ shall maintain permanent records of such reports. The coroner or county medical examiner may file all original reports with the clerk of the superior court of the county. In cases where such report indicates a suspicion of foul play, the medical examiner and peace officer in charge shall transmit any specimens, samples, or other evidence to ~~the division~~ a forensic laboratory for analysis. In cases where reports indicating foul play are verified by the ~~division~~ forensic laboratory, the ~~director~~ laboratory of the division shall provide a completed ~~crime~~ lab report to the appropriate prosecuting attorney where the acts or events leading to the death occurred."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.